

~ ~ ~ May 7, 2014, Scheduled case of:

9:00 A.M. EVAN SAPPERSTEIN, SP 2014-SU-007 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit addition 11.9 ft. from side lot line and deck 19.6 ft. from side lot line. Located at 12401 English Garden Ct., Herndon, 20171, on approx. 37,183 sq. ft. of land zoned R-1. Sully District. Tax Map 35-4 ((24)) 19 and 35-4 ((24)) (2) D.

Chairman Ribble called the applicant to the podium.

The Chairman directed the clerk to administer the oath to the participants in the hearing, who swore or affirmed that their testimony would be the truth, and the public hearing was opened.

Evan Sapperstein, 12401 English Garden Court, Herndon, Virginia, reaffirmed the affidavit.

Laura Gumkowski, Staff Coordinator, made staff's presentation as contained in the staff report. Staff recommended approval of the application, subject to the proposed development conditions.

Mr. Hart asked about the corner of the lot where the deck and porch would be located. Ms. Gumkowski said she believed a septic field was in that area, but did not believe there would be any construction in that area. She deferred to the applicant for further clarification.

Mr. Sapperstein presented the special permit request as outlined in the statement of justification submitted with the application. In response to Mr. Hart's question, Mr. Sapperstein confirmed that that was the location of a septic field for one of his neighbors and that no construction was planned for that area.

As there were no speakers, Chairman Ribble closed the public hearing.

Mr. Hart moved to approve SP 2014-SU-007 for the reasons stated in the Resolution.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

EVAN SAPPERSTEIN, SP 2014-SU-007 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit addition 11.9 ft. from side lot line and deck 19.6 ft. from side lot line. Located at 12401 English Garden Ct., Herndon, 20171, on approx. 37,183 sq. ft. of land zoned R-1. Sully District. Tax Map 35-4 ((24)) 19 and 35-4 ((24)) (2) D. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 7, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The Board has a staff recommendation of approval, and the Board adopts the rationale in the staff report.
3. This is a strangely shaped lot. It is kind of L-shaped.
4. Just looking at the tax map, you can tell that the subdivision was done before the shape factor amendment, because some of these lots are very oddly distorted shapes.
5. The bite that is taken out of this lot is actually a little piece of the lot that is two houses away to the left. The little area where the piece is taken out of this lot would not be associated with that other house, but, be that as it may, that is how this was subdivided.
6. What that does, unfortunately, is when a house is placed in the middle of the lot, which is what the builders probably try and do, then when they want to put a screen porch or a deck on the back of the

house, it is at the closest point.

7. When you have this L-shaped or V-shaped condition, this is exactly the type of scenario that the Ordinance was intended to address.
8. When you are going closer to what is technically a side line, but it is where it is, it is because of the strange shape of the lot. It certainly is not going to bother anybody at that point.
9. It is well concealed by a very large tree, and the Board does not think it is going to have any significant negative impacts on anybody.
10. From the drawings, also, it appears that it is going to be a very attractive addition.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the screen porch addition (approximately 305 square feet) and deck (approximately 266 square feet) as shown on the plat, titled "Plat, Showing the Improvements on Lot 19 Copper Creek and Outlot D, Section 2 Copper Creek," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated November 21, 2013 and as revised through January 6, 2014, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (7,560 square feet existing + 11,340 square feet (150%) = 18,900 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Hammack seconded the motion, which carried by a vote of 7-0.

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